

REMARKS

In the present Amendment, claim 1 has been amended to recite that X is O (i.e., oxygen) and that Y is NR¹.

Claim 1 has also been amended to recite that the initiator compound is a hexaaryl biimidazole or a bisacyl phosphine. Similarly, claim 5 has been amended to recite a hexaaryl biimidazole or a bisacyl phosphine, rather than a titanocene compound. These amendments are supported by the specification, for example, pages 56-69, in particular, page 56, 1st full paragraph and the paragraph bridging pages 68 and 69; and page 175, compounds A-5 and A-2.

Claim 4 has been amended to recite that X is O (i.e., oxygen). Claim 4 has also been amended to recite that R⁶ is a substituted aryl group. This amendment is supported by the specification, for example, page 29, lines 3-4 and page 24, lines 4-5.

Claim 8 has been added. Claim 8 is supported by the specification, for example, page 175.

No new matter has been added and entry of the Amendment is respectfully requested. Upon entry of the Amendment, claims 1-8 will be all the claims pending in the application.

I. Response to Provisional Double Patenting Rejection

In Paragraph No. 4 of the Action, claims 1-7 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-9 of copending Application No. 10/838,316.

In response, Applicant submits herewith a Terminal Disclaimer. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the provisional double patenting rejection.

II. Response to Rejections Under 35 U.S.C. § 102

a. In Paragraph No. 6 of the Action, claims 1-7 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Murota et al. (EP 1048982 A1 or U.S. Pat. No. 6,335,144) (“EP ‘982”).

Applicant respectfully submits that the present claims are novel over Murota et al for at least the following reasons.

EP ‘982 discloses a photosensitive composition comprising a sensitizer dye of formula (III-1), a titanocene compound, and a compound which reacts with at least either a radical or an acid to change and retain at least either the physical or chemical characteristics (Paragraph No. [0018]).

However, EP ‘982 does not disclose or suggest a composition containing a hexaaryl biimidazole or a bisacyl phosphine, as recited in present claims 1-3 and 5-8. Furthermore, when the specific compound of the formula (1) recited in present claim 1 and the specific initiator, i.e., a hexaaryl biimidazole or a bisacyl phosphine, are used in combination, high sensitizing ability (i.e., efficiency of an electron transfer after the light absorption or an energy transfer is improved) can be obtained.

Further, Compound (D27) described in EP '982 and relied upon by the Examiner does not fall within the scope of the formula (2) recited in present claim 4. Specifically, as described above, Applicant has amended claim 4 to recite that X is O and R⁶ is a substituted aryl group. In contrast, the substituent in Compound (D27) of EP '982, which corresponds to R⁶ in the formula (2) recited in present claim 4, is an ethyl group and is not a substituted aryl group.

Moreover, as described at page 24, lines 6-10 of the present specification, "when such a [substituted aryl] group is present, a mutual action between the electron excited state caused by light absorption and the initiator compound becomes especially large, whereby an efficiency of the initiator compound for generating a radical, an acid or a base is enhanced."

In view of the foregoing reasons, Applicant respectfully submits that the present claims are not anticipated or rendered obvious by EP '982 and thus the rejection should be withdrawn.

b, c and d. In Paragraph No. 9 of the Action, claim 4 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mousseron (U.S. Pat. No. 3,678,041 A). Further, in Paragraph No. 10 of the Action, claim 4 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Sawdey (U.S. Pat. No. 2,739,888). Still further, in Paragraph No. 11 of the Action, claim 4 is rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Wells et al (U.S. Pat. No. 4,195,179).

Applicant respectfully submits that the present claims are not anticipated by the cited references. As noted above, Applicant has amended claim 4 to recite that X is O (i.e., oxygen). None of the references relied upon by the Examiner disclose a compound within the scope of the

present claim. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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